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March 21, 2024

BY ECF

Honorable Margaret M. Garnett  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Gutierrez v. Alba Carting & Demolition Inc. et al.*  
Case No. 23 Civ. 7138 (MMG) (SDA)

Dear Judge Garnett:

We are counsel for defendants Alba Carting & Demolition Inc. and Andrew Horan (collectively “Defendants”) in the above-referenced action. We write to respectfully request a brief adjournment of the status conference currently scheduled for March 28, 2024. This is the first request for an adjournment of the status conference.

The reason for this request is that counsel for defendants—the undersigned and Jeffrey H. Ruzal—both have scheduling conflicts in other matters. Specifically, the undersigned will be out of the office beginning March 25, 2024 and actively engaged in an Arbitration hearing in Detroit, MI, currently scheduled for March 26 and 27, 2024. Assuming the hearing concludes on March 27, 2024, the undersigned may be traveling back to New York on March 28. Mr. Ruzal will also be engaged in a client meeting for another matter at the time of the status conference.

Defendants’ counsel notified Plaintiff’s counsel of these scheduling conflicts and requested Plaintiff’s consent to a brief adjournment. Counsel for Plaintiff refused, stating that Plaintiff would agree to conduct the conference remotely, but not to adjourn the conference to a later date. As both lead defense counsel will be traveling or actively engaged in other matters, a remote hearing does not resolve these conflicts. Plaintiff provided no reason for his opposition to the adjournment, nor did he articulate any conceivable prejudice that could result from this brief delay (Defendants respectfully submit that there is none).

Honorable Margaret M. Garnett

March 21, 2024

Page 2

For these reasons, Defendants request that the Court adjourn the March 28, 2024, status conference to a later date convenient for the Court and the parties.<sup>1</sup>

Relatedly, Defendants draw the Court's attention the joint status letter filed yesterday, March 20, 2024 (DE 38), which was accompanied by the parties' competing proposed revised Case Management Plans ("CMP") for the Court's consideration. Although Defendants did *not* agree to Plaintiff's proposed CMP, Counsel for Plaintiff included Defense Counsel's name in the signature line of their proposed discovery plan. To be clear, Defendants do not consent to Plaintiff's proposed CMP, and respectfully request the Court endorse Defendants' proposal (DE 38-2).

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Adriana Kosovych

Adriana Kosovych

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<sup>1</sup> Prior to this matter's reassignment to Your Honor, a status conference was scheduled for May 21, 2024. Defendants are available on that date.